TITLE 312 NATURAL RESOURCES COMMISSION

Notice of Public Hearing
LSA Document #08-295

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on August 21, 2008, at 1:00 p.m., at the North Webster Community Center Gymnasium, 301 North Main Street, North Webster, Indiana, the Natural Resources Commission will hold a public hearing on proposed amendments to 312 IAC 5-6-9, which governs special watercraft zones on Tippecanoe Lake and James Lake in Kosciusko County.

All requirements or costs imposed by the rule amendments on regulated entities under IC 4-22-2-24(d)(3) are reasonably necessary for the administration of IC 14-15 (sometimes referred to as the "Boating Code"). The amendments establish protected watercraft zones in Tippecanoe Lake and James Lake, Kosciusko County, for an area known as Ball Wetlands. The amendments are established under IC 14-15-7-3(a)(4) for zones where boating restrictions can be implemented for public safety and under IC 14-15-7-3(a)(6) where boating restrictions can be implemented for fish, wildlife, or botanical resource management. The amendments prohibit boating other than with a trolling motor or paddle on the west side of the Ball Wetlands and establish zones on the other sides of the Ball Wetlands where boats cannot be operated in excess of idle speed. The impact high-speed boating can have on emergent vegetation, stirring up bottom sediments, and reintroducing nutrients to the water column has been well documented. (Asplund 2000, Beachler 2003, and White 2003) The amendments would serve public safety and aquatic environmental protection.

A portion of the proposed restricted boating area is already under idle speed restrictions (IC 14-15-3-17(b)). This statute requires motorboats to be operated at not greater than idle speed within 200 feet of a lake's legal shoreline. The problem with Ball Wetlands is that most of the legal shoreline is well within the wetlands. A person could operate a motorboat at high speed, within Ball Wetlands but farther than 200 feet from shoreline, without violating IC 14-15-3-17(b). Some boats are capable of traveling through shallow, vegetated areas at relatively high speed.

The amendments use the perceived shoreline (the edge of the emergent vegetation beds) for establishing the restricted watercraft zones. This approach addresses public safety issues of congested boat traffic in and around the Between-the-Lakes Channel and the Grassy Creek Channel, as well as shallow water boating in the Flats. It also protects Ball Wetlands by keeping high-speed boating a reasonable distance from the wetlands. Assuming most boaters are observing idle speeds within 200 feet of the actual and perceived shoreline, the actual additional open water that is added by the new restricted zone is about 17 acres and about half of that is water less than five feet deep.

Establishing a 500-foot trolling motor zone in the Flats provides the opportunity for recolonization of the emergent vegetation in the shallow water areas, either naturally or through restoration activities. The main ecological reason for the restricted watercraft zones is to protect the Ball Wetlands from further decline. The objectives of protecting the Ball Wetlands, addressing public safety and boating law enforceability issues and providing the opportunity for natural vegetation to recolonize the shallow areas, would continue regardless of whether a restoration project is undertaken. Currently, there is generally an absence of native aquatic vegetation in the Flats. Recolonization of the area by rooted native submerged plants would provide ecological benefits and would be a successful attribute of establishing the protected zone.

Copies of these rules are now on file at the Indiana Government Center North, 100 North Senate Avenue, Room N501 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Bryan W. Poynter
Chairman
Natural Resources Commission

Posted: 07/16/2008 by Legislative Services Agency
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